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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/501,590 | 02/10/2000 | Yukinori Yamamoto | 35.C14250 | 4096 |

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EXAMINER

AN, SHAWN S

ART UNIT PAPER NUMBER

2613

DATE MAILED: 10/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/501,590

Applicant(s)

YAMAMOTO, YUKINORI

Examiner

Shawn S An

Art Unit

2613

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 September 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Request for Continued Examination

1. The request filed on 9/16/04 for a Request for Continued Examination (RCE) under 37 CFR 1.114 based on parent Application No. 09/501,590 is acceptable and a RCE has been established. An action on the RCE follows.

Response to Amendment

2. As per Applicant's instructions as filed on 9/16/04, claim 16 has been newly added.

Response to Remarks

3. Applicant's arguments filed on 6/21/2004 are not persuasive based on the office action as follows.

Moreover, in response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references.

See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-2 and 6-16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chen et al (6,057,884) in view of Takahashi (6,295,380 B1).

Regarding claims 1, 7, 13, and 14, Chen et al discloses a decoding apparatus/method or computer readable storage medium (col. 1, lines 22-32) which stores a program, comprising:

- an input unit (Fig. 1, 245) for inputting a bitstream obtained by coding a plurality of object data in units of objects and multiplexing the coded data, wherein the plurality of object data which provide a desired scalability in accordance with a combination among the plurality of objects (280);

- a separation (demux) unit (250) for separating coded data of each object from the bitstream;

- an outputting unit (260, 270) for decoding the coded data of the object in accordance with the data and outputting the decoded data; and

- a synthesis unit (280) for synthesizing the object data outputted by the outputting unit.

Chen et al fails to disclose a judgement unit adapted to perform reproduction-control according to the permission of reproduction and the level of reproduction-permitted scalability, and a control unit adapted to perform reproduction-control according to the permission of reproduction and the level of reproduction-permitted scalability judged in the judging unit.

However, Takahashi teaches a judgement unit (Fig. 7, 83) adapted to perform reproduction-control according to the permission of reproduction and the level of reproduction-permitted, and a control unit (82) adapted to perform reproduction-control according to the permission of reproduction and the level of reproduction-permitted judged in the judging unit (col. 6, lines 12-26).

Therefore, it would have been considered quite obvious to a person of ordinary skill in the relevant art employing Chen et al's decoding apparatus to incorporate the Takahashi's teaching as above so that the judgement unit is adapted to perform reproduction-control according to the permission of reproduction and the level of reproduction-permitted scalability, and a control unit is adapted to perform reproduction-control according to the permission of reproduction and the level of reproduction-permitted scalability.

Regarding claim 2, Chen et al discloses MPEG 4 (col. 1, lines 13-22).

Regarding claim 6, Takahashi teaches read unit (Fig. 12, 13a) for reading selection data for selecting the object, and the selection unit for selecting the predetermined object from the plurality of objects in accordance with the selection data read by the read unit (Fig. 16).

Takahashi also teaches an object data decoding apparatus as an object data processing apparatus (Fig. 12), and that IC card, ROM cassette, or the like may be used so as long as it can record a program (col. 29, lines 42-47).

Therefore, it would have been obvious to a person of ordinary skill in the relevant art to incorporate the read unit, selecting unit, and IC card as taught by Takahashi so as to selectively choose objects in priority to meet the demands of cable subscribers.

Regarding claim 8, Takahashi teaches an audio object (Fig. 19, Pa4) in a decoder (Fig. 12).

Regarding claim 9, Takahashi discloses a scene description object (Fig. 11, Sf).

Regarding claim 10, Chen et al discloses monitoring unit (Fig. 1, 185) for monitoring the object data synthesized by the synthesis unit.

Regarding claim 11, Chen et al discloses communication unit (communication line) for performing data communication with an external device (Fig. 1, 185), wherein the communication device transmits information representing that the bitstream is decoded.

Regarding claim 12, Chen et al discloses data communication through Internet (col. 5, lines 53-55).

Regarding claim 15, Chen et al discloses object data including different resolutions (Col. 2, lines 7-27).

Regarding claim 16, Takahashi teaches the judgement unit (83) judging permission of reproduction and the level of reproduction-permitted scalability on the basis of the coded data (col. 6, lines 12-26).

6. Claims 3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen et al and Takahashi as applied to claim 1 above, and further in view of Bando et al (5,774,548).

Regarding claim 3, The combination of Chen et al and Takahashi does not particularly disclose descrambling unit for descrambling the scrambled bitstream.

However, Bando et al teaches conventionally well known descrambling unit (Fig. 1, 105) for descrambling the scrambled bitstream.

Therefore, it would have been considered quite obvious to a person of ordinary skill in the relevant art employing Chen et al's decoding apparatus to incorporate the descrambling means as taught by Bando et al so that the descrambling unit performs descrambling the scrambled bitstream in order to permit authorized viewers an access to a particular cable channel.

Regarding claim 4, the Examiner takes official notice that the IPMP data is well known term in the art. Therefore, it would have been considered quite obvious for the descrambling unit to descramble the scrambled bitstream in accordance with intellectual property data in order to protect the copyright information, thereby controlling the scrambled bitstream based on an authentication verification.

Regarding claim 5, Bando et al teaches a read unit (105) for reading descrambling data for descrambling the scrambled data in accordance with the data read by the read means.

The combination of Chen et al and Bando et al does not specifically disclose storing descrambling data in a well known IC card.

However, a storage medium such as an IC card is conventionally well known in the art. Furthermore, Takahashi teaches an object data decoding apparatus as an object data processing apparatus (Fig. 12), and that IC card, ROM cassette, or the like may be used so as long as it can record a program (col. 29, lines 42-47).

Therefore, it would have been obvious to a person of ordinary skill in the relevant art employing a decoding apparatus as taught by Chen et al to incorporate the IC card as taught by Takahashi for storing program data such as a player subscriber information.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to ***Shawn An*** whose telephone number (703) 305-0099 and schedule are Tuesday-Friday.
8. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.
9. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



SSA

Primary Patent Examiner

10/20/04